

Amendment No. 1 to HB0082

Vaughan
Signature of Sponsor

AMEND Senate Bill No. 263

House Bill No. 82*

by deleting the amendatory language of SECTION 1 and substituting:

(d)

(1) If an employee receives a settlement, judgment, or decree under this chapter that includes the payment of medical expenses, and the employer or workers' compensation carrier unreasonably fails to reimburse the employee for any medical expenses actually paid by the employee within sixty (60) days of the settlement, judgment, or decree, or unreasonably fails to provide reasonable and necessary medical expenses and treatment, including failure to reimburse the employee for reasonable and necessary medical expenses, after receiving actual notice of the obligation to provide the medical treatment and a reasonable opportunity to obtain the information and documentation necessary to pay medical expenses or provide medical treatment, then the employer or workers' compensation carrier is liable, in the court's discretion, to pay the employee a sum not exceeding twenty-five percent (25%) of the expenses, in addition to the amount due for medical expenses paid. The court may exercise this discretion only if the court finds that the refusal to pay the claim inflicted additional expense, loss, or injury upon the employee.

(2) An employer or workers' compensation carrier is not liable under subdivision (d)(1) if payment of the subject medical expense is issued, or reasonable and necessary medical treatment is authorized, within sixty (60) days of the employer's or workers' compensation carrier's receipt of information and documentation reasonably necessary

to issue payment of the subject medical expense or to determine liability for reasonable and necessary medical treatment.

AND FURTHER AMEND by deleting the amendatory language of SECTION 2 and substituting:

(1) The reasonableness of attorney fees for services to employees under this chapter is subject to the approval of the workers' compensation judge before whom the matter is pending; provided, that attorney fees must not exceed twenty percent (20%) of the amount of the recovery or award to the injured worker, or in cases governed by § 50-6-207(4), twenty percent (20%) of the first four hundred fifty (450) weeks of the award; provided, further, that such fees must be paid by the party employing the attorney. All attorney fees for attorneys representing employers are subject to review for reasonableness of the fee and are subject to approval by a workers' compensation judge when the fee exceeds ten thousand dollars (\$10,000).

AND FURTHER AMEND by deleting SECTION 10 and substituting:

SECTION 10. Tennessee Code Annotated, Section 50-6-226(d)(1)(B), is amended by deleting the subdivision and substituting:

(B) Unreasonably denies a claim or unreasonably fails to timely initiate any of the benefits to which the employee or dependent is entitled under this chapter, including medical benefits under § 50-6-204, temporary or permanent disability benefits under § 50-6-207, or death benefits under § 50-6-210 if the workers' compensation judge makes a finding that the benefits were owed at an expedited hearing or compensation hearing.

SECTION 11. Tennessee Code Annotated, Section 50-6-226(d)(2)(B), is amended by deleting "June 30, 2023" and substituting "June 30, 2025".

SECTION 12. For purposes of promulgating rules, this act takes effect upon becoming a law, the public welfare requiring it. For all other purposes, this act takes effect July 1, 2023, the public welfare requiring it; except that SECTION 11 takes effect upon becoming a law, the public welfare requiring it.